



*Commonwealth of Virginia*

***VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY***

**BLUE RIDGE REGIONAL OFFICE**

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**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
VIRGINIA ELECTRIC AND POWER COMPANY  
FOR  
ALTAVISTA POWER STATION  
Registration No. 30859**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the Virginia Department of Environmental Quality and Virginia Electric and Power Company, regarding the Altavista Power Station, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, the applicable permit and regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Salem, Virginia.
2. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

5. “Dominion” means Virginia Electric and Power Company, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Dominion is a “person” within the meaning of Va. Code § 10.1-1300.
6. “Facility” means Dominion’s Altavista Power Station, located at 104 Wood Lane, Altavista, Virginia 24517, in Campbell County, Virginia.
7. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the Virginia Air Pollution Control Law.
9. “PCE” means a partial compliance evaluation by DEQ staff.
10. “Permit” means the Prevention of Significant Deterioration/New Source Review/Stationary Source permit to modify and operate an electricity generating facility, issued under the Virginia Air Pollution Control Law and the Regulations to Dominion on April 16, 2015.
11. “Regulations” or “Regulations for the Control and Abatement of Air Pollution” mean 9 VAC 5 chapters 10 through 80.
12. “Va. Code” means the Code of Virginia (1950), as amended.
13. “VAC” means the Virginia Administrative Code.
14. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Dominion owns and operates the Facility in the Campbell County, Virginia. The Facility is the subject of the Permit, which allows Dominion to operate an electricity generating facility.
2. On August 2, 2021, Department staff conducted a PCE of the Excess Emission Report submitted by Dominion on July 29, 2021, for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit, and the Regulations. Based on the evaluation and follow-up information, Department staff made the following observations:
  - i) The preliminary results for the Relative Accuracy Test Audit (RATA) for Boiler 01, (test ending May 18, 2021), indicated all constituents met their respective performance specifications. Dominion’s internal quality control review of the RATA

- data on June 14, 2021, identified that the CO lb/MMBtu emissions rate Relative Accuracy of 6.81%, did not meet the performance specification of 40 CFR 60 Appendix B PS 4a of 5% when calculated using the emission standard.
- ii) As a result, Boiler 01 CO lb/MMBtu operating data were invalidated from May 18, 2021 at 0900 to June 16, 2021 at 1500 (retest).
  - iii) Upon confirmation of the failed test on Boiler 01, Dominion immediately shutdown Boiler 01 on June 14, 2021.
  - iv) Dominion completed a second RATA test for Boiler 01, CO lb/MMBtu on June 16, 2021 with a passing result.
3. PSD Permit Condition 34 states, “Continuous Emission Monitoring Systems (CEMS), meeting the design specifications of 40 CFR Part 60, Appendix B Performance Specification 4A, shall be installed to measure and record the emissions of CO from each primary boiler as lbs/MMBtu. The CEMS shall be installed, calibrated, maintained, audited and operated in accordance with DEQ approved procedures which are equivalent to the requirements of 40 CFR 60.13 and Appendices B and F. Data shall be reduced to 30 day rolling averages per the procedures for NOx contained in 40 CFR 60 Subpart Db unless otherwise approved by the Regional Director of the Blue Ridge Regional Office. The monitor shall be used to demonstrate compliance with the 30-day rolling average CO emission standard (lb/MMBtu basis) as noted in Condition 18.”
4. 40 CFR Appendix F to Part 60 – Quality Assurance Procedures includes the following definitions:
- i) 5.2.1 – Out of Control Period - The beginning of the out-of-control period is the time corresponding to the completion of the sampling for the RATA, RAA, or CGA. The end of the out-of-control period is the time corresponding to the completion of the sampling of the subsequent successful audit.
  - ii) 5.2.2 – CEMS Data Status During Out-Of-Control Period - During the period the monitor is out-of-control, the CEMS data may not be used in calculating emission compliance nor be counted towards meeting minimum data availability as required and described in the applicable subpart [e.g., § 60.47a(f)].
5. On August 31, 2021, based on the PCE, DEQ issued Notice of Violation No. ABRRO001930 to Dominion for the violations described above.
6. On September 22, 2021, Department staff met with representatives of Dominion to discuss the violations. Additionally, Dominion submitted a formal written response on October 13, 2021.
7. Based on the results of August 2, 2021, PCE and documentation submitted by Dominion, the Department concludes that Dominion has violated Permit Condition 34, as described above.
8. Dominion has submitted documentation that verifies that these violations have been corrected.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Department orders Dominion, and Dominion agrees to:

1. Pay a civil charge of \$10,064.60 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Dominion shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Dominion shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Department may modify, rewrite, or amend this Order with the consent of Dominion for good cause shown by Dominion, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order in NOV No. ABRRO001930 dated August 31, 2021. This Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Dominion admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Dominion consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. Dominion declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Order.
6. Failure by Dominion to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Dominion shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Dominion shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Dominion shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Dominion. Nevertheless, Dominion agrees to be bound by any compliance date which precedes the effective date of this Order.

11. This Order shall continue in effect until:

- a. The Director or his designee terminates the Order after Dominion has completed all of the requirements of the Order;
- b. Dominion petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- c. the Director or the Department terminates the Order in his or its sole discretion upon 30 days' written notice to Dominion.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Dominion from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Dominion and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of Dominion certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Order and to execute and legally bind Dominion to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Dominion.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Dominion voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 21 day of Nov, 2022.

  
Robert J. Weld, Regional Director  
Department of Environmental Quality

Virginia Electric and Power Company voluntarily agrees to the issuance of this Order.

Date: 11/14/22 By: *Jason Williams*, Vice President - Environmental & Sustainability  
(Person) (Title)  
Virginia Electric and Power Company

Commonwealth of Virginia  
City/County of Richmond

The foregoing document was signed and acknowledged before me this 14<sup>th</sup> day of  
November, 2022, by Jason Williams who is

VP-Environmental & Sustainability of Virginia Electric and Power Company, on behalf of the  
corporation.

*Rachel Ann Seftor*  
Notary Public

7822376  
Registration No.

My commission expires: 7/31/23

Notary seal:

